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forced by the establishment of a trust upon all the property owned by the testatrix at the time of her death. \* \* \* The result therefore, would be that the court would sustain the contention of the complainants to set aside the will in favor of the respondent Walker, and in the same decree enforce the will by way of establishing a trust in favor of said Walker, upon the entire estate owned by her at the time of her death. We respectfully submit that this would be an anomalous situation in judicial procedure." McCLELLAN, J., dissented from the decision on the ground that the instrument was on its face merely contractual, and under no circumstances entitled to probate. The first contention of the majority of the court that a man can for a valuable consideration renounce his power to make a will, is believed to be absolutely unsupportable by authority. The right to alienate is an inseparable incident of ownership. This doctrine has not been seriously disputed since *Mildmay's Case* (1605), 6 Coke 40. The cases are reviewed in a note in 14 MICH. L. REV. (Feb., 1916), p. 353. It is believed there is no case sustaining the contention that a person can by contract deprive himself of his legal right to make a will; but he certainly can by contract dispose of his property, both that then owned, and by way of estoppel that later to be acquired; so that when he later makes a will there will be no property for it to operate on. However, the question as to whether there is any property to pass by the will, what or how much, is not a question as to the validity of the probate. The peculiarity of the instant case is that the contract made by the deceased, which contains no suggestion of the testamentary intention, had been admitted to probate as a will; and when the proponent of the later will sought to have that probate annulled, it was manifest to the court that to grant his prayer would secure him nothing and only lead to useless litigation. The decision seems entirely justifiable on the ground that the court will not do a vain thing.

WORKMAN'S COMPENSATION ACT—"PERSONAL INJURY"—OCCUPATIONAL DISEASES.—X, an employee in a cigar factory, was incapacitated through neurosis which resulted from a bending "with shoulders forward," so as to induce "pressure on the brachial plexus," after being so employed twenty-five years. The lower court granted compensation under the WORKMAN'S COMPENSATION ACT (St. 1911, c 751, Mass.), and the insurer appealed. *Held*, that a disease which arises within the course of employment with nothing more is not within the Act. *In re Maggelet* (Mass. 1917), 116 N. E. 972.

While the question decided in this case follows the rule laid down by the courts generally, it is of interest in showing the limitation which the Massachusetts court has placed upon its earlier decisions holding that certain occupational diseases were personal injuries within the meaning of the WORKMAN'S COMPENSATION ACT. See 14 MICH. L. REV. 525. In the principal case the court says, "The words 'personal injury' in their connection in this statute do not naturally lend themselves to a situation such as that here disclosed. The Act relates to industrial conditions \* \* \* The Act does not mention disease or occupational disease." In *Hurle's Case*, 217 Mass. 223, 104 N. E. 336, the same judge speaking for the court, said, "It

is significant that the element of accident was not intended to be imported into our Act," and compensation was allowed a workman who had gradually become blind through the effects of poisonous gas on the optic nerve. In *Madden's Case*, 222 Mass. 487, 111 N. E. 379, recovery under the Act was allowed a woman who, through the exertion and strain of her employment, had so aggravated a pre-existing heart disease as to disable her, the court saying, "It was a definite and specific detriment to the physiological structure of her body." In *Johnson's Case*, 217 Mass. 388, 104 N. E. 735, recovery was had for an injury due to lead poisoning which had occurred gradually during the employee's occupation. In holding as it did the principal case is neither illogical nor inconsistent, but merely limits the doctrine of the earlier cases.